

February 2017

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— **Keynote Speaker Karen McCullough**
Branding Expert, Social Media Enthusiast
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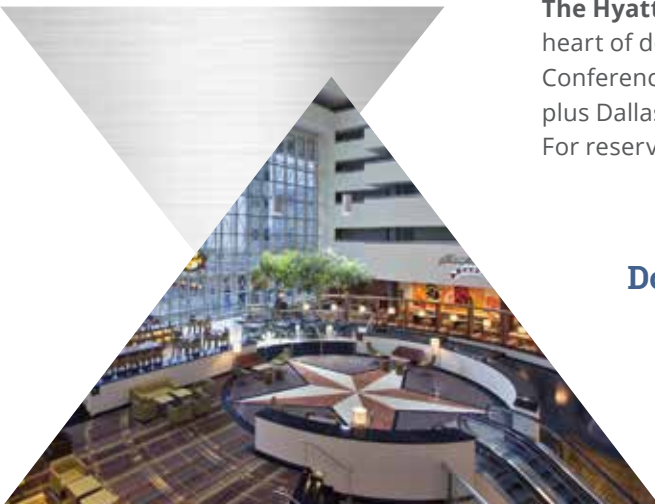
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The Notary Landscape Changes Often

NNA 2017 offers workshops presented by industry experts to help you successfully navigate these changes. Separate yourself from the competition, get more work, and make more money!





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The National NOTARY

Vol. LVII, No. 1, February 2017 Magazine

Published by the National Notary Association

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OUR MISSION

The National Notary Association is committed to the education and service of Notaries throughout the United States. As the foremost authority on the American Notary office, we are dedicated to imparting knowledge, understanding and unity among all Notaries, and instilling in them the highest ethical standards of conduct and sound notarial practice.

OUR CORE VALUES

The National Notary Association serves its membership by promoting five essential core values that empower and protect Notaries when they assume their responsibilities of the office and perform their official notarial acts.

Our Core Values of Membership promote:

- **Compliance** with state laws and regulations
- **Liability Protection** for Notaries, signers and employers
- **Risk Management** to reduce fraud and identity crimes
- **Professionalism** with reliability, competence and integrity
- **Opportunities** to increase earning potential

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TABLE OF CONTENTS



60 YEARS
OF SERVICE



COVER STORY

10

A Diamond Anniversary

A Persistent Evolution: Reinventing the American Notary

Michael Lewis and Phillip Browne

In the 60 years the National Notary Association has been serving Notaries, the world changed in ways we never imagined. And as we embark on our next 60 years of leadership and support, it is a certainty that the world will soon look very different to Notaries. We are amid an unprecedented paradigm shift that is driving the persistent evolution of Notaries into a new class of professionals. And the growing expectations you face — in the form of better training, verifiable credentials, strong ethics and diligent compliance — looms no matter what industry you or clients you serve. At the same time cultural and commerce-driven advancements in digital services will continue to disrupt, and redefine, the very nature of business and how you perform your duties.

13 The Notary of the Future

13 The Change Makers

DEPARTMENTS

YOUR COMMUNITY	6
ASSOCIATION NEWS	8
YOUR WORLD	9
BEYOND THE BASICS	23
HOTLINE	24
NOTARY ESSENTIALS	26

FEATURES

14

Getting a Return on Your Investment

Cindy Medrano

Becoming a Notary Signing Agent is one of the least expensive ways to go into business for yourself, but it does take a financial investment beyond the cost of your commission. So how long will it take to get a return on your investment?

16

Making the Most Out of a Notary Commission, One Opportunity at a Time

NNA Staff

2006 NNA Notary of the Year Frank X. Marcial looks back at the four-plus decades he's spent as a Notary and NSA, and shares how the unexpected life path helped him achieve all his dreams and then some.

20

How One Notary's Journal Changed History for an Entire State

Kelly Rush

Wanda Scheib, a Notary who worked in the Pennsylvania attorney general's office, had been doing her job for more than 20 years before her journal became the star of a criminal investigation that ultimately helped convict her top boss of perjury. The case highlights universal lessons about the importance of journals.



Always Be Prepared

HOW DO YOU prepare for winter weather issues when traveling to an assignment? Notaries share their tips on Facebook.

1) Leave your destination info with someone; 2) Have a full tank of gas; 3) Have your cell phone fully charged; 4) Dress for winter weather.

Karla Marie Hand, Eugene, OR

I always have a kit with a jump box, tire change supplies and a small first aid kit. In the winter, I add some emergency blankets, granola bars and bottled water. I never let my tank drop below 1/2. And of course a fully charged cell phone and an extra battery pack.

Justin R. Jones, Nashville, TN

I live in a heavy snow area so I have my car checked every three months & carry a winter weather kit. I add extra time to travel to signings.

Andrea Walsh-Dowell, Great Falls, MT



The Case of the Hard Drinking Signer

WE ASKED THE NOTARY COMMUNITY what would you do if there's a glass and bottle of liquor on the signing table, and the signer keeps taking drinks. Surprisingly many had that experience.

Unfortunately, I've had this situation happen several times. If alcohol is present at the signing, I ask that it be put away until we are done. If the signer is notably intoxicated I postpone the signing for another time or day.

Joanne Stevens, Longmont, CO

I have had only one signature where the client was intoxicated. He had slurred speech when I arrived. I took his and his spouse's ID and commenced with the signing. I explained to him that he was to sign as the typed name appeared and that he should initial

on the initial lines. When his signature and initial became erratic and he signed anywhere on the documents, I simply told him that I could not guarantee that the title company would accept the signatures and may delay the closing by having to re-do the paper work. He suddenly was willing to conform.

Merlene Lane, Herington, KS

I experienced this at a signing. It is a very delicate balance to ask a person to set aside their drink when you are a guest in their home. It is very important to handle this immediately and not allow drinking during the signing since you will not know how it can affect them and the legal consequences that can happen.

Linda Spain, Hansville, WA

I'd kindly postpone and leave the appointment, to avoid any issues. Then, contact scheduler.

#SafeytFirst

Coryna Magana, Los Banos, CA

I would state my concerns to the signer and offer to return at a later time to finish the signing. I would fully document my decision and course of action, including events leading up to the decision.

Brian Booth, Gilbert, AZ

In this situation, I would have been fine with the state of mind of the signer, but once I believe that he is incapacitated, confused or otherwise "lacking the mental capacity" to sign the documents, it is my responsibility to end the signing, and offer to reschedule.

Jonathan Nowak, North Hollywood, CA



Take Neil and Camille the Notary Seals, Anywhere

WE HELD A NOTARY SEAL giveaway on our social media pages asking members of our community to share where they would take our favorite mascots. Congratulations to all the winners!

They are so cute and I'm sure that they would love to travel with me on vacation and on work trips but I have to admit that they would look so sweet on my desk at work!

Karla Franklin, Landrum, SC

I would take Neil and Camille with me in the evenings to cheer on my boys at their basketball games and seal the win!

Kim Hutcherson, Ogden, IL

I would love to take them skydiving with me in Hawaii in a couple of months. I could make them a little helmet and goggles. OK, I know how that sounds, but I think it would be fun.

Wes Keenan, Warrenville, SC

NNA 2017 Conference Networking Group

HOW MANY NNA CONFERENCES have you attended?

Tell us by completing our poll in our Facebook group at bitly.com/2017group.



Join our online communities and interact with the NNA and Notaries everywhere!



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yelp.com/biz/national-notary-association-chatsworth

Dual Tray Printer Recommendations

THE NOTARY GENERAL Discussion Group on LinkedIn is buzzing with recommendations on the best dual tray printer for both legal and letter size pages. To access this group and others, please visit NationalNotary.org/socialmedia.

I use a Brother HL-6180DW and like it very much. It has the dual trays and automatically switches. I am connected via WiFi,

which was relatively easy to set up.

Rosie Wilson, Oxon Hill, MD

I also have Brother and am VERY happy with my choice.

Ray Sedghi, Orange County, CA

I use an HP Laser Jet 4350 dual tray. 10,000 pages per cartridge, black only. It is a work horse!

Rocky Simone, Portsmouth, NH

If most of your work-related printing is in black,



consider a LaserJet printer in addition to an Inkjet multifunction machine. While toner cartridges are initially more expensive, they print a large quantity and the cost per page is much less.

Jane Power, San Francisco, CA



Maximize Your Membership Benefits

IF YOUR RESOLUTIONS THIS NEW YEAR didn't include investing in your professional growth, now is the time to do it. You already know about the magazine and the credibility you earn by simply identifying yourself as an NNA Member, but don't forget to take advantage of all your NNA Membership benefits to quickly maximize the return on your investment.

Lower your cost of doing business by using the

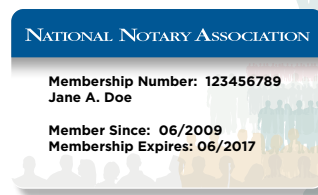
shipping, copying and other discount programs available to NNA Members. The savings you'll earn on a few transactions will make Membership pay for itself.

If you have questions, our NNA® Hotline experts have answers. The team fields more than 10,000 calls every month from Notaries just like you.

Members also can avoid the need to keep stacks of all types of Notary Certificate Forms because all

your state's most current Forms are downloadable for free.

NNA Membership comes with a lot of other benefits too. Make sure you're taking advantage of everything we offer by visiting **NationalNotary.org/membership**.



Get Ready for a 'Big Time' in Dallas

NNA 2017 IS LINING UP an incredible slate of speakers and experts, and one of the most exciting is our keynote speaker, Karen McCullough. A branding expert and social media enthusiast, McCullough will talk about how you can succeed by "putting your WOW in service."

McCullough is an advocate of the idea that being different and embracing change is good. She enlightens audiences by drawing from her experience as a successful businesswoman, entrepreneur and retail CEO — and she's excited to share her insights with the Notary community.

McCullough's motivational keynote will set the stage for you to get the most out

of our workshops June 4-7, which cover everything from brushing up on your Notary Essentials and NSA skills to business building and protecting yourself from liability.

You won't want to miss the workshops focused on identifying signs of elder abuse, financial fraud prevention and issues that arise from determining a signer's mental capacity. The complete list of workshops with descriptions and presenters is now available at **NationalNotary.org/Conference**.



Policy Tracking Map Made Easier

THE NNA HAS MADE ITS POLICY TRACKING tool easier to access by removing the need to log in to your account to reach it.

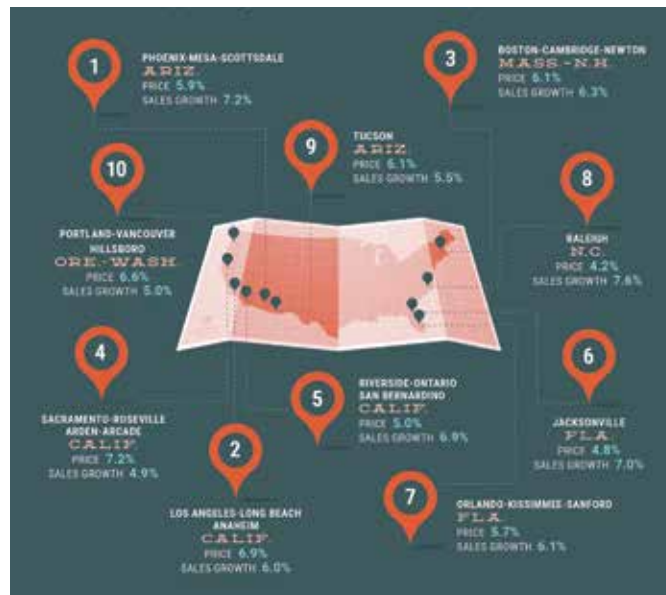
Policy Tracking helps you stay up to date on all of the Notary-related policies, rules and bills your state is considering. Learn about legislation when it's first introduced and read-up on regulations when they're proposed so you can take an active role in influencing your state's Notary laws and rules.

You can find the information by clicking on your state on the map at **NationalNotary.org/PolicyTracking**.

California Dominates Hottest Housing Markets for 2017

CALIFORNIA IS PREDICTED to see strong growth in several urban areas this year with more cities listed in the top 50 U.S. real estate markets for 2017 than any other, according to Realtor.com.

The real estate website's 2017 Housing Forecast included Los Angeles, Sacramento and Riverside among its top five predicted markets for the upcoming year. All three cities should see sales growth of around 7 percent. Other California cities expected to see



strong growth by NAR include San Diego (ranked 15th); Oxnard (22nd); Stockton (28th); Bakersfield (35th); San Francisco (37th) and San Jose (39th).

Notary Signing Agents who operate in these cities may wish to reach out to contacts and step up marketing efforts to take

advantage of upcoming growth in their areas of service.

Other states expected to lead in real estate sales in the coming year include Arizona (Phoenix and Tucson), Florida (Jacksonville and Orlando), North Carolina (Raleigh) and Oregon (Portland).

Important Notary Fee Changes in 2016

LAST YEAR SAW A TREND of states enacting new laws allowing Notaries to charge higher fees for their services. Among the most notable changes were the following:

- California raised the maximum fee its Notaries may charge from \$10 to \$15 per notarization following a wave of grassroots support for a fee increase from local Notaries Public.
- Kentucky's Governor signed a new law removing mandatory fee schedules, allowing Notaries in the state to set their own fees.
- Washington, D.C., increased the fee limits for Notaries from \$2 to \$5 per notarization, and authorized the Mayor to increase the amount D.C. Notaries may charge above \$5 if deemed necessary.

Other states that introduced proposed Notary fee increases but did not pass them include Georgia, Illinois and Indiana.

More Fraud Scams Targeting Immigrants Since Elections

FOLLOWING THE 2016 ELECTIONS, there has been an upswing in fraud scams targeting immigrants, according to a statement by New York Attorney General Eric Schneiderman.

Schneiderman said that con artists are attempting to take advantage of immigrant concerns about possible crackdowns on undocumented immigrants.

Schneiderman's office issued a reminder that con

artists often use the title *notario publico* or other foreign-language translations of the title Notary to fool immigrants. In other countries, *notarios* are authorized to provide legal services similar to attorneys, but in the United States, criminals frequently use these titles to charge immigrants large amounts of money for fraudulent or ineffective immigration services. Many states prohibit Notaries from using

the term *notario* in their advertising.

The NNA has information available on sources for legitimate immigration assistance in the U.S. at bitly.com/ImmigrantAssistance along with information on state laws governing and Notaries offering immigration-related services at bitly.com/NotariosPublicos and bitly.com/StateImmigrationRules.



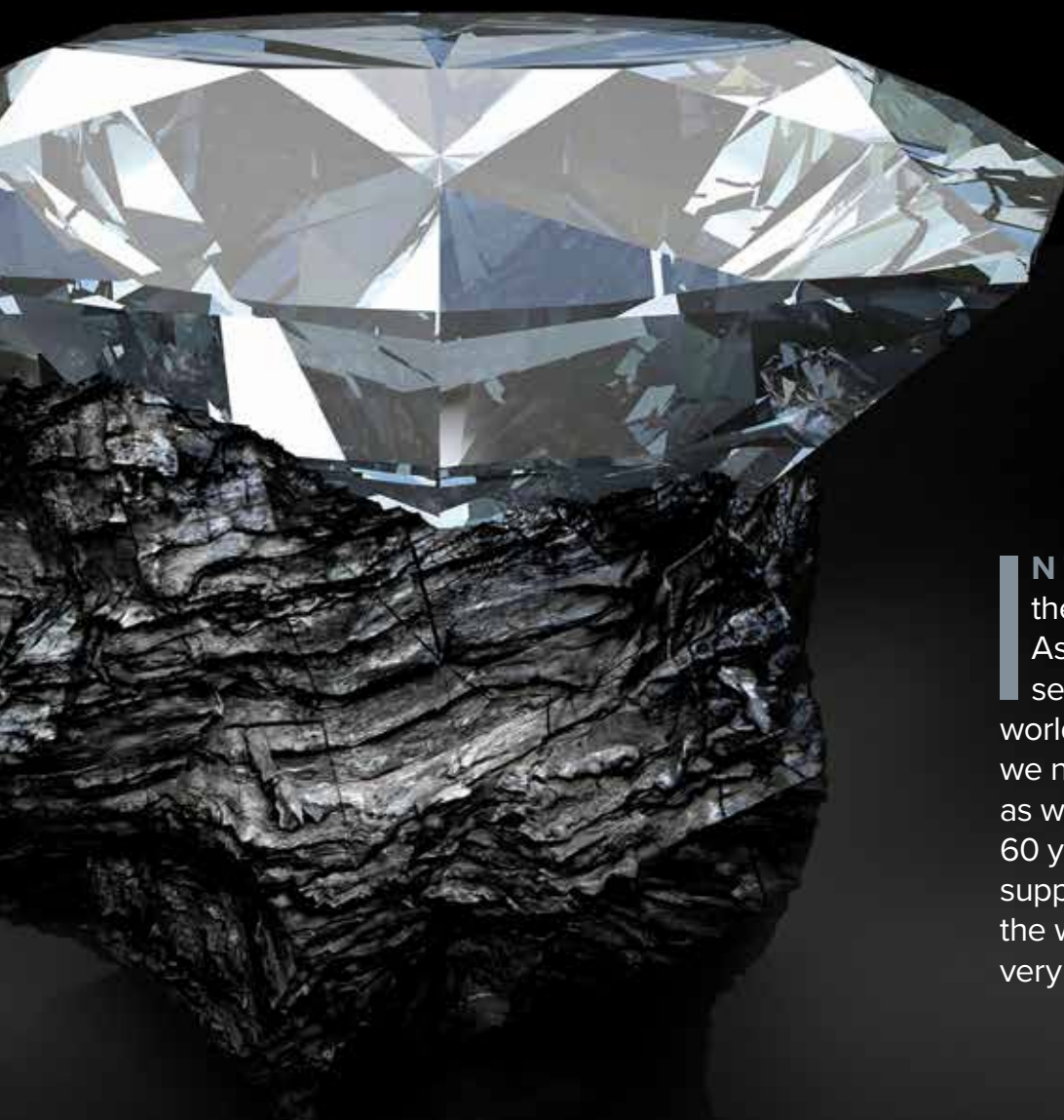


60 YEARS
OF SERVICE

A DIAMOND ANNIVERSARY

A PERSISTENT EVOLUTION: REINVENTING THE AMERICAN NOTARY

By Michael Lewis
and Phillip Browne



I**N THE 60 YEARS** the National Notary Association has been serving Notaries, the world changed in ways we never imagined. And as we embark on our next 60 years of leadership and support, it is a certainty that the world will soon look very different to Notaries.

Our lives and businesses will be purely digital. Our identities will be validated using advanced technological means. And the world will get even smaller as we will communicate and interact with each other in unique new ways across borders and boundaries.

While it's impossible to predict how technology will drastically alter our lives and commerce, it's a fait accompli that identities will become more verifiable using methods like retinal scans, real-time DNA screening and knowledge-based authentication. There will also be vast new forms of personal appearance, as signers might appear for notarizations via camera, hologram or virtual reality.

But as we forge ahead toward a paperless future in which identity technology becomes more virtual and verifiable, the fraud and imposture risks to every man, woman and child will surge. The more our life, finances and health exists in the cloud, the more emboldened criminals become to steal and exploit who we are — on a massive scale.

That's why notarization is so important. No combination of technology today can replace the nuanced judgment of an honest, impartial human being to authenticate our most important transactions and render them trustworthy.

As the decades roll on there will likely be several levels of notarization for different transaction types and risk levels, along with varying methods of authenticating identity, intent, and consumer confidence in the transaction. Some of those methods might involve the use of camera equipped drones to quickly transport paper documents (in the rare occasions they are needed) or operate as a secure method of independent observation or verification.

Many industries and/or relying parties will expect you to understand and evaluate the details of the documents you notarize, which will give rise to a new variety of notarial acts including verifications of fact, authenticating signer credentials and establishing a person's representative capacity, among others.

And as the demand for specialized U.S. Notaries increases, all indications point to a future in which they become a professional class analogous to their civil law counterparts. Like attorneys, risk managers and cyber security experts, Notaries will need to be highly educated, trained and credentialed; and they will earn six-figure salaries or more as they become the ubiquitous protectors of our identities, rights and property.

Along with their elevated responsibilities, authority and authentication expertise, Notaries will surely be called

upon more to testify in court proceedings when a transaction is challenged. But not as a defendant. They'll be expert witnesses who testify to the forensics of the identification and the documents as an advocate for the transaction.

The Past is Prologue

As the NNA celebrates its diamond anniversary, we are amid an unprecedented paradigm shift that is driving the persistent evolution of Notaries into a new class of professionals.

To forecast where the future is going, we only need to examine the recent past. Just a generation ago, in the late 70s, Notaries in California were prohibited from using a driver's license or other identity documents to identify a signer. They had to rely on personal knowledge or credible identifying witnesses. Physical IDs are now a national norm and, when they were sanctioned as valid forms of satisfactory evidence, Notaries had to relearn their craft. And even that's changing.

Today some states are evaluating the possibility of using digital identity credentials on smartphones in lieu of

physical cards. In fact, it is within the realm of plausibility that your smartphone will serve as your wallet, ID, car keys and house keys, among other functions.

Examples like that are everywhere. And while there's still much we don't know about the future, one thing rings true:

The demand for quality, trusted Notary services is at an all-time high, evidenced by the rapid

proliferation of national corporate compliance programs and the growing public imperative to protect their transactions.

And the growing expectations for the evolution of today's Notaries — in the form of better training, verifiable credentials, strong ethics and diligent compliance — looms no matter what industry you work in, who you work for, or what clients you serve.

In the next several years, the stakes will rise. As the world becomes ever more interconnected, the threat to commerce will surge. Consumers will insist that more be done to ensure the security and trust of transactions. At the same time cultural and commerce-driven advancements in digital services will continue to disrupt — and redefine — the very nature of business and how Notaries perform their duties.

The Evolution of the 'New' Notary

One of the most sweeping trends affecting large numbers of Notaries is the increasing demand for training, trusted credentials and background screening. For nearly a

We are amid a paradigm shift that is driving the persistent evolution of Notaries.

decade, a combination of government regulations, business needs and consumer expectations has been pushing Notaries to become better educated and carry out their duties with a higher standard of care.

That trend shows no sign of slowing down.

Notary Signing Agents certainly have felt this trend keenly. As lenders worked to meet the requirements of the CFPB and other regulators, they began to insist that NSAs maintain verifiable qualifications, in the form of regular background screenings, certifications and proof of compliance with consumer protection laws.

The most recent example of that came last October when the American

personal and financial information and much more.

But NSAs are not the only ones being asked to become more qualified and maintain a higher standard of care. To improve customer service and reduce potential liabilities, a growing number of companies are creating in-house programs to train and oversee their staff Notaries.

One example is JPMorgan Chase & Co., which created a company-wide program to insure a consistent level of on-going training and best practices for its 24,000 Notary employees. The Auto Club of Southern California took a similar step when it started offering Notaries services as an additional benefit to its customers, and eventually created a central-

ized corporate program to coordinate the commissioning and education requirements.

In the coming years, more companies will implement programs of their own as

the value of their staff Notaries grows, and state legislators might become more amenable to enacting education requirements because of the growing demands of the marketplace.

Notaries, driven by a constant need to maintain consumer confidence, will need to evolve into something very different than they are today.

Technology and Notaries

The most profound phenomena pushing the industry forward is the revolution in digital document technology and online services. This includes the growth of electronic notarization and the emergence of webcam notarization, which is changing the way people view the actual notarial act.

Electronic notarization a decade ago was in its infancy, but with a culture that now embraces paperless, electronic transactions, they are beginning to become more commonplace. Most consumers enjoy the convenience of electronic transactions because it allows the exchange of information more quickly, easily, and dependably than ever before. Electronic transactions also reduce costs, create efficiencies, promote flexibility and are more secure than paper-based dealings.

The U.S. Consumer Financial Protection Bureau gave electronic notarizations a boost recently when it endorsed fully electronic mortgage closings to improve customer service, efficiency, accuracy and to reduce costs. That move has already spurred wider usage of electronic notarization in loan closings.

Potentially the greatest change maker for Notaries is the rise of webcam notarizations (see the June 2016 edition of *The National Notary*).

Even though only three states — Virginia, Montana and Florida — currently allow webcam notarization in any form, the potential exists for it to leapfrog the adoption of traditional electronic notarization, which still requires the face-to-face, in-person meeting between the signer and Notary. In addition, most states still lack rules for eNotarization, inhibiting its widespread use in interstate commerce.

On the other hand, webcam Notaries in Virginia are allowed to notarize documents for anyone anywhere in the world.

In the mortgage industry alone, Fannie Mae and Freddie Mac have endorsed the technology along with Quicken Loans and the Consumer Financial Protection Bureau. Does that mean it will come into widespread use within the next few years? Time will tell. And as successive generations raised on mobile, on-demand technology become

Notaries will need to evolve into something very different than they are today.

Land Title Association updated its Title Insurance and Settlement Company Best Practices to include recommended provisions for vetting and overseeing NSAs (see the December 2016 edition of *The National Notary*).

ALTA officials expect a growing number of title insurance and settlement service companies to implement specific Best Practices, including a requirement for regular renewals and ongoing training.

The education expectations of the mortgage industry now extend well beyond knowing how to perform a notarization properly. NSAs today are expected to understand the documents in a loan package, master the legal and contractual requirements for protecting consumers'

policymakers, they are likely to see webcam notarization as the preferred method, paving the way for its universal adoption.

What The Future Holds

One prediction that came as early as the 1970s read that, soon enough, technological advances would bring about the demise of Notaries and notarization. But like all those hyped doomsday prophecies that never come to pass, what we've experienced is exactly the opposite: Notaries and demand for quality notarial services

has reached an all-time high.

The irony is that demand is being driven by technology and all of the vulnerabilities that come with it for businesses, corporations and consumers alike.

Still, there remains considerable friction between the Notary office as it exists today and the realities of interstate and international commerce.

We live in a world where there are 56 separate Notary systems in the U.S. and its territories. Businesses and

consumers alike chaff at the barriers this reality poses to creating efficient, cross-border transactions. But technology, demographics and marketplace demand are combining to break down the barriers brick by brick.

In the next few decades, Gen Xers, millennials and even Gen Zers will lead our country. We have already seen the willingness of each successive general to rethink and reimagine how the world works. It's more than likely that they will rethink and reshape the Notary's place in society. ■

THE NOTARY OF THE FUTURE

There is little doubt that technology will have a major impact on Notaries and the way they carry out their duties. But nobody can say with any certainty exactly what that impact will be in 10 or 20 or 60 years. Still, there are some intriguing possibilities, and we offer a few ideas here.

The Hands-Free Mobile Notary

Imagine working as a mobile Notary and traveling to an appointment without having to drive the car yourself. This might be closer to a reality than you think. Uber already is experimenting with autonomous vehicles, and Nissan has pledged to market fully autonomous vehicles by 2020. For NSAs and other Notaries on the go, all the time you spend driving to and from appointments could be spent connecting with clients, sending out invoices, or preparing for the next appointment.

The Paperless Notary

Companies across the country are on a crusade to eliminate paper, which is costly to make, distribute, store and dispose of. It's likely a matter of time before one of the last barriers to completely digital transactions

— the notarization — goes paperless. Eventually, electronic notarization will take hold in every state, and your ink stamp will be replaced by a digital stamp.

The Notary Web Center

With the emergence of webcam notarization, the possibility exists that companies will set up centralized, webcam Notary websites. Instead of looking for a Notary in their neighborhood, signers would be able to log onto the website 24/7 and get their documents notarized.

The Holographic Signer

This might be farther in the future, but we already have holographic technology. Imagine the day when webcams evolve to the point where they can project a real-time, three-dimensional image of a signer that you can interact with instead of a two-dimensional image on a screen.

THE CHANGE MAKERS

During the past decade key events have driven the need for more professional, trusted Notaries. They include:

- **The housing/mortgage boom and bust**, which fueled the rise of the Notary Signing Agent
- **The evolution of electronic mortgages and data technology**
- **The robo-signing/foreclosure scandal**, which put the spotlight squarely on the role and responsibilities of Notaries, and what can go very wrong when those responsibilities are disregarded
- **Dodd-Frank/CFPB** and the move to make lenders responsible for the actions of NSAs
- **The emergence of webcam notarization**
- **The epidemic of identity theft/fraud & cybercrime** that shows no signs of slowing
- **The rapid pace of technological advancements in identity-vetting**

EVALUATING THE RETURN ON YOUR INVESTMENT IN BECOMING AN NSA

By Cindy Medrano



OF ALL THE THINGS PEOPLE CAN DO to go into business for themselves, becoming a Notary Signing Agent is one of the least expensive in terms of start-up costs. But it does take a financial investment that goes beyond the cost of a Notary commission and certification.

If you want to supplement your income or make a living handling and notarizing loan documents, it's important to look at the real-world investment to get started and evaluate what kind of return on that investment you can expect as an NSA. Here's everything you need to know:

Getting Started

Becoming an NSA requires you to obtain training, certification and background screening that meets the requirements of the companies you wish to work for. Some states require additional licensing requirements and/or restrict Notaries from working as a Signing Agent. For example, Maryland

and Indiana require title insurance for all closings. Virginia is a state that restricts Notaries from handling real estate property signings without an escrow license.

Excluding your commissioning costs, becoming a Notary Signing Agent will typically cost a Notary between \$140 and \$200 depending on the vendor. Such NSA packages will include background screening, certification, and a possible training course.

Although certification is not required by law, many companies ask that you are certified to meet Consumer Financial Protection Bureau compliance requirements.

Certification is not mandatory, but becomes a critical factor when companies are searching for Signing Agents for assignments. Usually those who have certification are the ones who get hired first by title companies.

Taking a training course is also recommended so you can familiarize yourself with the duties of a Signing Agent and the contents of the document package.

Not only will you need your Notary commission, seal, and journal, but also reliable transportation. You will also need to purchase needed supplies like printing, fax, and mobile devices to print and deliver documents.

Additional Notary insurance is strongly suggested to cover any unintentional mistakes. Carrying a minimum errors and omissions (E&O) insurance policy of \$25,000 is encouraged. Some companies may ask those signing agents they work with to carry a larger policy.

There is also flexibility in the business. Becoming a Notary Signing Agent allows you to become your own boss, set your own business hours, and adds another skillset to your resume as an independent contractor.

Veronica Castro of San Diego, CA, is a wife, mother of three, and the owner of Veronica Castro Mobile Notary & Living Trust. As a business owner, she loves being able to make her own schedule and having the opportunity to attend her children's sporting games and school events. Castro became a Notary in 2010 and mainly focuses on work as a Signing Agent because of her background in the loan and escrow process, which helps guarantee a smooth closing process.

Building Your Business

Compared to other business start-ups, becoming a Signing Agent is very attainable and inexpensive. For example, becoming a Real Estate Agent can cost someone \$500 to \$1000, which includes a pre-licensing course, licensing exam, activation of license, and membership to a realtor association.

Another example of a costly career would be becoming a tax preparer which can cost approximately \$500. Not only would you need a registration fee, but you would need to invest in professional tax preparation software and marketing and tax office supplies.

When getting started, a web presence is recommended to generate business leads and put your business name out there. You can purchase a website and domain for a price or create social media pages for your business for free. Platforms like Facebook and Twitter are great starting points.

It is also important to make sure your Signing Agent profile is made available on several company directories such as SigningAgent.com and Snapdocs. Some directories will offer free listings while others require a fee to have a more noticeable listing.

Having your information featured in these directories allows title companies, real estate agents, and escrow companies to find you, thus generating more business. Always keep your profile listing up to date to ensure eligibility for assignments.

Lynn Murray from Mount Olive, Alabama, has been using many marketing methods since the launch of her business in 2011. Working in rural areas she relies on word of mouth, as much as her website, social media pages and directory listings.

Murray stresses the importance of building relationships with clients in places such as UPS stores, nursing homes, retirement homes, and banks as another form of marketing your business.

"Leave business cards everywhere," she says, because they work as another form of word of mouth promotion.

Return on Investment

Remember you must be willing to invest money to earn money. Results won't be immediate. It will take time to earn the money invested back as you build your business and promote yourself as a Signing Agent.

"Stay positive and keep away from negative Notary groups," Murray says. She suggests networking with groups that will open doors for referrals and support.

It is also important to keep in mind you won't receive immediate

payments on assignments. They do take time to process, and you can wait up to 30 to 60 days for a payment.

However, the key is to be a knowledgeable Signing Agent to see repeat business. Have your NSA profile listed in as many directories. Once you've become familiar with the process and established those relationships with your community, loan officers, and title companies, business will begin to blossom.

"My advice to anyone wanting to start their own business is to network, create and maintain relationships," said Castro. "Make sure you stay informed and have all the necessary training".

The time you invest in gaining knowledge of the field and establishing relationships will determine what route your Signing Agent business will go. ■

Becoming a Notary Signing Agent allows you to become your own boss.



MAKING THE MOST OUT OF A NOTARY COMMISSION, **ONE OPPORTUNITY** AT A TIME

By NNA Staff

WHEN FRANK MARCIAL CAME OUT OF THE MILITARY in the 1970s he was young and hopeful, but his future was unclear. He didn't come from a wealthy family, nor did he have friends or relatives that could help him start a business. He was going to have to make something of himself through hard work and determination.

Amid the career path he chose as a consumer financial manager and loan specialist, he became a Notary Public. Being a Notary was a random opportunity at the time, but it was the opportunity that ended up delivering him more than he ever dreamed, including financial independence, a chance to serve others and a feeling of accomplishment that transcended his other achievements.

The National Notary recently spoke with the now-retired Marcial, who was particularly excited to share his experience, knowledge and wisdom with the Notary community as the NNA celebrates its 60th Anniversary. Here's his story in his own words.

A Humble Beginning Leading to a Notary Career

My career started when I landed that first job at Seaboard Financial, later named AVCO, which specialized in consumer loans. I threw myself into my job and, at the age of 23, became the company's youngest certified consumer financial manager in Southern California. My employer asked me to become a Notary. I didn't know what that was, but I got a fancy seal, and I began notarizing documents for around \$2 a signature. I still have a copy of my first Notary commission certificate — signed in 1974. This was also when I joined the NNA.

Eventually, I went to work for Wells Fargo, where I was introduced to my first commercial real estate transaction. I was asked to notarize some documents relating to a mini shopping center. I didn't understand any of it, but I took pictures, performed the notarizations and got paid \$190. This planted the seeds for my solo career.

It wasn't until an auto accident in 1997 left me hospitalized for several months that I became a full-time Notary Signing Agent. I needed greater flexibility than an office environment allowed, and discovered that becoming a NSA would give me the freedom to pick and choose the assignments I wanted.

I learned from some very smart people — paying attention to the types of documents, the transactions and the terms used — and harnessed that knowledge to make some of my own deals. I had to work very hard, and I took my business seriously.

Putting One's Self First is an Important Strategy

The secrets to my success are much simpler than you might imagine.

- I learned early that I have one chance for a first impression, so I always dressed the part. It didn't matter if everyone else in the room wore shorts and a t-shirt, I always wore a suit and tie, and my hair was perfectly combed.
- I was always prepared. I always arrived early and came with the necessary tools, including my marketing literature, pens, Notary seal, journal and any other materials I may need.
- I was also willing to drive hundreds of miles at odd hours for certain signing jobs because I knew that the job might lead to another even more lucrative opportunity, and I wanted to build a reputation as a man who was willing to go the distance.
- Finally, I learned and embraced my role and boundaries as a Notary and stuck to them. For example, as Notaries, we are responsible for just a few things, including taking identification documents and witnessing signatures, but you may never give advice about what certificate to use, what the documents meant or other questions. If you don't give advice, you'll steer clear of rocks that have done in many a Notary.

I was always prepared.
I always arrived early
and came with the
necessary tools.

I also recommend paying yourself first. In other words, invest in your own business and things that are going to pay dividends down the road before financing vacations. It's not what you make, it's what you do with it. However much I got paid in any given week or month, I always put a

percentage into my business for such things as marketing. Another percentage went into my investment portfolio and another funded my IRA account.

We often think it's selfish to put ourselves first. But it is the only way to be successful and to set yourself up to help others.

A Message for Fellow Notaries

One of the most important lessons is to recognize the opportunities that come our way. Some seem small and unworthy of our time; others seem out of reach or beyond our abilities. But we have to make the most of our chances because this honors the life we've been given and enables us to give back to your community, which is what counts the most in the end.

Being Generous to Others with What We Have

For me, being a Notary has always been about so much more than making money. Growing up poor, I always knew that if I became successful I would help people less fortunate than me.

One of my personal causes has been helping to feed the poor. I've tried my best to give back through partnerships with Feed The Children, the Los Angeles Mission and other organizations. It has been personally satisfying to work with so many great, community-minded people. Each time we'd deliver a truckload of food to one of these organizations, it reinforced my belief that we can all make a difference.

The most heart-wrenching and yet fulfilling experience came after Hurricane Katrina when my wife and I organized the collection of relief supplies for the victims. We filled a tractor trailer for Feed The Children and accompanied it to New Orleans. I have always believed that we should be generous with what we've been given.

A True Friend and Professional Partner

Throughout this incredible journey, the National Notary Association has been a true friend and partner. The NNA has given me the education I've needed, the certifications that have taken my career to the next level, constant support and a connection to a larger Notary community that spans the country. I even was named the NNA's 2006 Notary of the Year.

A few years ago, I had some serious health problems that could have ended my life. I was blessed with a kidney transplant, however, and I was granted more years to live. I'm not sure what the future holds, but I'm grateful for what's come before. I'm grateful for the people I've met and the friendships I've formed, and I'm especially grateful to the NNA. ■



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2



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1. Frank by his airplane at Whiteman Airport near Pacoima, California.
2. With his motor home in Virginia during a recent vacation.
3. At the Army National Guard building in Washington, D.C.

It Wasn't Me



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- False tax return submitted in Stanley's name claiming a \$4,800 refund.

Resulting Impact:

- Spending months trying to resolve his stolen identity claim with the IRS.
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*Event and character represent a fictitious portrayal.

No one can prevent all forms of identity theft.

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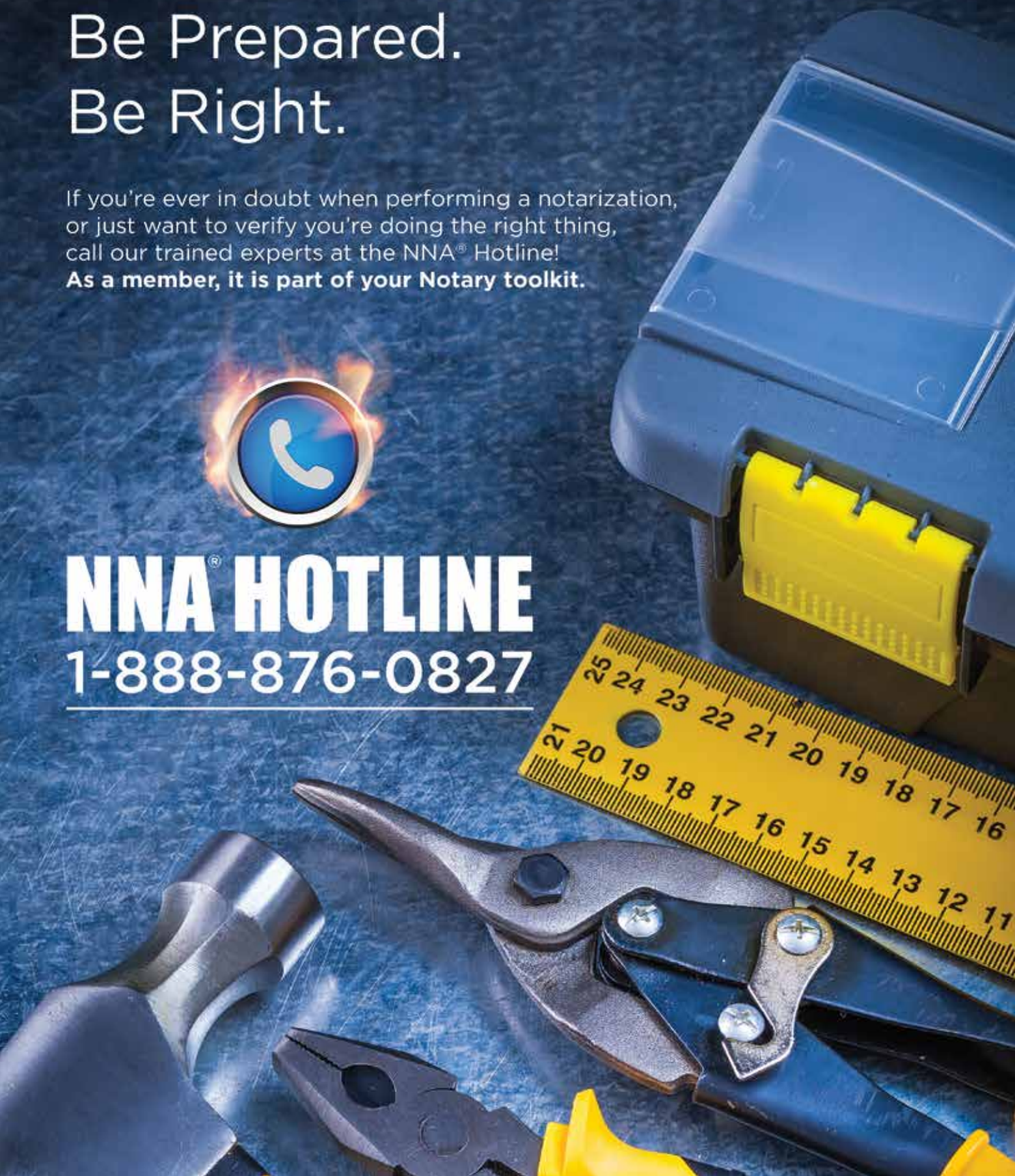
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The image features a large, open notary journal in the foreground, with its pages showing a grid pattern. The journal is positioned in front of the Pennsylvania State Capitol building, which has a prominent green and gold dome. The sky is overcast with grey clouds. The text is overlaid on the top left of the image.

HOW ONE NOTARY'S JOURNAL CHANGED HISTORY FOR AN ENTIRE STATE

By Kelly Rush

WANDA SCHEIB, A NOTARY who worked in the Pennsylvania attorney general's office, had been doing her job for more than 20 years before her journal became the star of a criminal investigation that ultimately helped convict her top boss of perjury.

As a commissioned Notary, Scheib felt a responsibility to follow the law by keeping meticulous journal entries and always adhering to best practices. It was a matter of daily routine for her to do the right thing, according to court documents and testimony, and her conscientiousness paid off. Although the high-profile case is unusual, Scheib's actions underscore the true value and importance of keeping a journal of notarial acts, regardless of whether journals are required by law in a particular state.

A Routine Start

The story began on January 17, 2013, just two days after Kathleen Kane was inaugurated as Pennsylvania Attorney General. A meeting was called to discuss the transition that included Kane and her highest-ranking deputies. The new attorney general was going to be exposed to all kinds of private information as part of her duties, including secret grand jury testimony, and it was determined that she and the staff needed to take secrecy oaths that they would not divulge information from that testimony.

Scheib, an executive assistant, was hastily called to the meeting and asked to notarize oaths for both active grand juries and historical juries that had already expired. That day, Kane swore under penalty of contempt that she would protect that information. Scheib executed jurats on the oath forms and recorded the transactions in her journal, according to a criminal complaint filed against Kane.

Scheib had no idea that her notarizations, and the careful record she kept of them, would become the centerpiece in an investigation into whether or not the attorney general lied when she said documents she leaked to the press were not protected under a secrecy oath. In fact, the documents were protected, and Scheib's Notary journal proved it, investigators said in the complaint.

By the Book

Scheib's actions represent a step-by-step guide for Notaries seeking to uphold the law, follow professional standards of practice, protect the public and safeguard private information.

The day of the meeting, Scheib didn't know exactly what she would be asked to do, so she brought her stamp and her journal with her, she said in court testimony. From the beginning, she knew she would need to record any notarizations in her journal.

As the people in the meeting signed the secrecy oaths, they handed them to Scheib, so she was able to witness

each signature. Then, when she went back to her office, she completed the notarizations which contained jurat wording noting that each signer was "sworn and subscribed before me this 17th day of January, 2014." Her signature, "Wanda Scheib" appears below, according to a document filed with the criminal complaint. The wording clearly says she witnessed the signatures on the oaths so she was able to verify that Kane was in fact sworn to secrecy.

Next, Scheib immediately filled out entries for each notarization in her journal — called a "register" in Pennsylvania. In the Keystone state, a journal entry does not require the signer's signature, so it can be completed outside their presence.

Scheib testified that filling out the journal was a vital part of her job as a Notary: "Whenever I notarize a document, since I became a Notary, I record the document in this log."

Trial testimony brought out that the journal entries were made contemporaneously with the notarizations, and that Scheib stored her journal apart from other records, and nobody else had access to it. These are professional standards of practice for keeping journals.

Important Evidence

Prosecutors recognized that both the notarized oath and Scheib's journal were key pieces of evidence in the case against Kane.

Michelle Henry, an assistant district attorney for Bucks County, noted in her opening trial statements that Scheib's journal proves Kane took an oath.

Without Scheib's evidence, investigators might never have found out that Kane was sworn to secrecy, Henry said. But Scheib knew "because she notarized (the oath)."

Those who become commissioned Notaries also take an oath to uphold the law, and conduct themselves in a way befitting a public servant. Scheib had an opportunity to ignore her journal, and the evidence inside of it, but instead chose to do what Henry called, "the hardest thing."

After Kane was arrested in August 2015, Scheib went online and read the criminal complaint against her boss and realized something important: Kane said that she never signed oaths applying to previous grand jury information. But Scheib remembered notarizing just such oaths for both Kane and the other people in that initial meeting. That made Scheib "uncomfortable," according to her testimony.

"I struggled with it," she said. "I felt that, as a commissioned Notary, I had a duty to say something to somebody."

Scheib's actions represent a step-by-step guide for Notaries seeking to uphold the law.

Scheib was worried about losing her job. Kane was the head of the agency, and the other people who signed the oaths were members of upper management. "What's going to

Even though she was not legally required to say anything, Scheib believed that ethics compelled her to say something.

Photocopies of the journal entries submitted during the trial also made compelling evidence.

Kane was eventually convicted on perjury and abuse of office charges, and then in

October, the judge hearing the case handed down a sentence of 10 to 23 months in county jail, according to media reports.

The case is both a cautionary tale

and an example of how a dedicated public servant can make a big difference. If Scheib had filled out her journal illegibly or failed to correctly notarize the oath, she may not have been able to provide the evidence prosecutors needed to prove their case.

Journals are important because issues involving a notarization often do not arise for years. Kane was arrested more than a year after Scheib made her journal entries.

Though most Notaries will never make the news, and their journals will rarely be part of a court trial, they should be filled out and maintained as if the next criminal case depends on it. ■

Journals are particularly important because issues involving a notarization often do not arise for years.

happen to me if I do say something?" she recalled at the trial.

Despite her concern, she contacted a supervisor — a move she noted was "extremely" difficult.

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Proofs of Execution: A Way to Notarize if the Signer Can't Be Present



THERE ARE RARE SITUATIONS when a person needs to have a document notarized, but cannot appear in person. If this happens, some states permit the signer to sign the document in front of or acknowledge signing it to a witness. The witness — not the signer — appears before the Notary.

The Notary identifies and administers an oath to the witness. Then, the witness signs the document. Based upon the witness' oath, the Notary performs the notarization. This is called a proof of execution by subscribing witness. But there are restrictions and specific requirements for this act. Here's what you need to know.

Restrictions on Proofs

The most important thing to remember is that proofs of execution are one of the only times a document signer does not appear before a Notary to have their signature notarized. While you must be careful when performing any notarization, this is even more important when you perform a proof.

Not all states allow Notaries to perform proofs; many Notaries in states that allow proofs don't know that they can perform them. This is often because they are included in real estate statutes or some other obscure part of the code rather than Notary statutes.

Because the signer is not present, states often have strict criteria for using subscribing witnesses. Here are some examples:

- California requires a subscribing witness to be identified by another credible identifying witness who is personally known to the Notary. The credible witness must present an ID card allowed by law to the Notary.
- In Texas, the subscribing witness must either be personally known by the Notary or be identified by another individual the Notary knows personally.
- In North Carolina, a subscribing witness cannot be a grantee or beneficiary of the document.

- In Pennsylvania, the subscribing witness must be an attorney licensed in the state.
- In Tennessee and Virginia, two subscribing witnesses are required.

Other states, such as Florida, do not permit Notaries to perform proofs of execution at all. Always check your own state's rules first before accepting a request to perform a proof of execution.

Real Estate Documents and Proofs

Due to risk of fraud, California prohibits its Notaries from performing a proof of execution on powers of attorney, on documents requiring a thumbprint in the Notary's journal or on any instrument affecting real property. Certain real property documents — decrees of foreclosure, non-judicial foreclosures under California Civil Code 2924 or deeds of reconveyance — are exempt.

Conversely, Oregon law permits proofs of execution to be used only for real estate transactions,

but state officials recommend that Oregon Notaries consult with the Real Estate Division if it comes up.

Proofs in the Workplace

Some employers ask Notary-employees to perform proofs of execution as an easy alternative to appearing in person as a convenience for themselves or clients. While it can be argued that there is no reason the boss or the client couldn't go to a Notary themselves, state laws governing proofs allow this practice.

If you are asked to perform a proof of execution by your boss, be sure to confirm that your state permits the act. If you are allowed to perform a proof of execution and the subscribing witness meets all the requirements, you can proceed. Also, you might gently make the case to your boss why it's a good idea for signers to be present and suggest that failing to require the signer to personally appear is one of the most common causes of Notary-related lawsuits.



Signature Stamps, Official Documents, Illegible Signatures, Journal Requests...

NOTARIES NATIONWIDE

RELY on the NNA's Notary Hotline to answer their most challenging questions. The following are among the thousands our Information Services Team receives each month.

Q I'm a Notary in Colorado. Am I allowed to sign documents with a signature stamp?

J.D., Colorado

A No, the Colorado Notary Public Act does not explicitly permit Notaries to use a signature stamp and it implies that the Notary's official signature must be handwritten on a paper document. (See CRS 12-55-112[4.5].)

Q I performed a notarization where the signer's signature on her driver's license was not legible — it was like a circle with a dot as if it was in another language. Is that what she should have used when signing the document? She ended up signing the document legibly, as it was typed under the signature line, i.e., "Jane Doe."

M.I., California

A It is unusual that she signed the document with a signature that differed markedly from the signature on her driver's license. It is not a deal breaker, though, as long as you, as the Notary, were satisfied that the driver's license she presented was satisfactory proof of her identity.

Q I have been asked to notarize a copy of a Social Security card and marriage license. Can I notarize copies of these documents in the state of Indiana?

B.G., Indiana

A For the Social Security card, yes; for the marriage

license, no. While the Indiana Notary Public Guide states that Notaries may certify copies, it also says that "a notary public does not have authority to create or certify copies of official records or documents." A marriage license is an official government record. A certified copy of a marriage license must be obtained by the state or county agency that prepares or maintains it.

Q I had a request from someone to look through my journal. Is that allowed in the State of Alabama?

D.M., Alabama

A There isn't a specific statute in the Alabama Code that addresses this issue. As an Alabama Notary, you are not required to keep a journal. We commend you for doing so. If someone requests to look at your journal, we recommend following *The Notary Code of Professional Responsibility*, which suggests (VIII-B-1) that any requests to inspect an entry in your journal are to be made in writing and specify:

- The month and year of the notarization;
- The document type; and





• The name of the signer(s).
When providing access to a record entry or a photocopy of a record entry, we recommend that other unrelated entries on the page be covered to protect the privacy of other signers.

Q Is an expired driver's license acceptable in New York as identification?

L.D., New York

A That is a judgment you need to make. The Notary Public License Law for New York states only that you must have satisfactory evidence of the person's identity, but it does not say an ID must be current.

That means it is up to you to decide what constitutes satisfactory evidence. Ideally, the best ID would be a current state or federal government-issued ID with a photograph, signature and physical description of the bearer.

Q I have received a document that was notarized, and the Notary stamp reads "My Commission expires at my death" Is this at all possible?

K.G., Texas

A This is possible if the document was notarized by a Louisiana Notary. The term of commission in

Louisiana is for the Notary's lifetime, so the Notary's seal could have as the expiration date the time of the Notary's death (Louisiana Administrative Code 46:XLVI.111[b]).

Q Can a Notary in California notarize a signature that was made five months ago?

R.C., California

A Yes and no. It depends on what type of notarization the signer is requesting. If it is an acknowledgment, you could notarize the signature that was signed five months ago. In this case, the signer simply

would acknowledge to you that they signed the document willingly and knowingly. However, if it was a jurat, then the document must be signed again in your presence, and the new signature must be dated for the date you completed the jurat.

Q Can I notarize a document while I am in Panama for a U.S. citizen who resides in Florida?

P.B., Arizona

A No. Arizona Notaries may perform official acts throughout the state of Arizona but not beyond the state borders. You must perform all parts of a notarial act at the same time and place within the state of Arizona (ARS 41-312[A]).

Q Does New York require Notaries to identify signers for jurats?

M.K., New York

A No. Though not required by law, we highly recommend you request identification for a jurat as well as for an acknowledgment.





A Guide to Notarizing for Family Members

A Notary is an impartial witness to the signing of important documents. But how do you stay impartial if the signer is your relative? This is a fairly common issue because spouses, parents, siblings and children often need documents notarized.

Here are some helpful tips for handling notarization requests from family members.

Some States Allow It, Others Don't

If asked to notarize for a family member, the first thing to do is check your state's laws. A few states prohibit Notaries from notarizing for most family members, including half- and step-relatives. Others prohibit notarizing for specific family members. For example, Florida and Massachusetts do not allow notarizing the signatures of a Notary's spouse, parents or children. North Dakota, Oregon and West Virginia prohibit notarizing for spouses only.

On the other hand, many states, such as Texas, do not restrict Notaries from notarizing for relatives at

all. Some states, including Alabama, California, Montana and Washington, caution Notaries against notarizing documents for relatives even though the law doesn't specifically ban it.

If You Would Benefit, Don't Do It

Even if your state doesn't restrict you from notarizing for a family member, you shouldn't do it if you will benefit from the transaction in any way. If you are in a community property state, any transaction involving your spouse could potentially benefit you as well — even if your name is not on the document. Some states, such as Pennsylvania, don't specifically ban notarizing for relatives, but do prohibit it if the Notary has some kind of involvement in the notarized document.

If you're not sure whether you'd stand to benefit from notarizing a document for a relative, it's better to be safe and refer the relative to another Notary who's not related or involved in the transaction.

The Notary Public Code of Professional Responsibility offers helpful guidance on this thorny subject. It urges the Notary to decline to notarize for close and step-relatives (see Standard II-B-5). It also calls for Notaries to avoid even the appearance of partiality, which happens in many cases involving family members (see Standard II-C-1).

You Still Have to Follow the Rules

If your state allows notarizing for a relative, remember that you still have to follow all the normal rules for identifying the signer and completing

the notarization. Just because the signer is your spouse, child or other family member, doesn't mean that you get to ignore Notary laws. Your relative will still need to appear in person before you, be identified according to state law and sign your journal entry if it is required in your state.

If You Have Questions, Ask

Don't be afraid to ask questions if you're unsure about notarizing for a family member. Your state Notary agency may be able to help you and NNA members can contact the Notary Hotline for assistance.



Learn more about best practices and procedures in the NNA's Notary Essentials course:
[NationalNotary.org/notary-essentials](https://www.nationalnotary.org/notary-essentials)

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